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1           UNITED STATES DISTRICT COURT  
2           SOUTHERN DISTRICT OF NEW YORK  
3           -----x

4           UNITED STATES OF AMERICA,

5           v.

21 Cr. 603 (VEC)

6           AAMIR WAHAB, WILLIAM  
7           WASHINGTON, KEYON DOOLING,

8           Defendants.

9           Arraignment  
10           -----x

11           New York, N.Y.  
12           May 16, 2022  
13           2:02 p.m.

14           Before:

15           HON. VALERIE E. CAPRONI,

16           District Judge

17           APPEARANCES

18           DAMIAN WILLIAMS

19           United States Attorney for the  
20           Southern District of New York

21           BY: KRISTY J. GREENBERG, ESQ.  
22           Assistant United States Attorney

23           LAW OFFICE OF ALEX R. KESSEL

24           Attorneys for Defendant Aamir Wahab

25           BY: ALEX R. KESSEL, ESQ.

26           ZALTZBERG LAW

27           Attorneys for Defendant William Washington

28           BY: RAOUL ZALTZBERG, ESQ.

29           DONALD YANNELLA P.C.

30           Attorneys for Defendant Keyon Dooling

31           BY: DONALD J. YANNELLA, III, ESQ.

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1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your  
3 appearance for the record.4 MS. GREENBERG: Kristy Greenberg for the government.  
5 Good afternoon, your Honor.

6 THE COURT: Good afternoon, Ms. Greenberg.

7 MR. YANNELLA: And Donald Yannella for Keyon Dooling.  
8 Good afternoon, your Honor.9 THE COURT: Good afternoon, Mr. Yannella. Good  
10 afternoon, Mr. Dooling.11 MR. ZALTZBERG: For William Washington, Raoul  
12 Zaltzberg. Good afternoon, your Honor.13 THE COURT: Good afternoon, Mr. Zaltzberg. Good  
14 afternoon, Mr. Washington.

15 You can sit down, everybody.

16 And in Los Angeles?

17 MR. KESSEL: Your Honor, thank you for this  
18 appearance. It was very convenient. Alex Kessel, attorney for  
19 Dr. Aamir Wahab, and we're both appearing on videoconference,  
20 your Honor.21 THE COURT: All right. Good afternoon, Mr. Kessel.  
22 Good afternoon, Mr. Wahab.

23 DEFENDANT WAHAB: Good afternoon.

24 THE COURT: Okay. All right. Let's start with: For  
25 the defendants, Congress, in its infinite wisdom, passed a law

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1 not too long ago that tells me that the first time I see a  
2 criminal defendant, I need to remind the government of its  
3 obligations under the Constitution. Since this is the first  
4 time I've seen the three of you, let me remind the government  
5 of its obligations under the Constitution and then we'll turn  
6 to the arraignment, okay?

7 All right. Ms. Greenberg, I direct the prosecution to  
8 comply with its obligation under *Brady v. Maryland* and its  
9 progeny to disclose to the defense all information, whether  
10 admissible or not, that is favorable to the defendant, material  
11 either to guilt or to punishment, and known to the prosecution.  
12 Possible consequences for noncompliance may include dismissal  
13 of individual charges or the entire case, exclusion of  
14 evidence, and professional discipline or court sanctions on the  
15 attorneys responsible. I've already entered a written order  
16 more fully describing this obligation and the possible  
17 consequences of failing to meet it, and I've directed the  
18 prosecution to review and comply with that order.

19 Ms. Greenberg, do you confirm that you understand your  
20 obligations and have and will fulfill them?

21 MS. GREENBERG: Yes, your Honor.

22 THE COURT: Okay. Before I turn to the arraignment,  
23 Mr. Zaltzberg, and Mr. Yannella, are you both here as CJA  
24 counsel?

25 MR. ZALTZBERG: Yes, your Honor.

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1 MR. YANNELLA: That's correct, your Honor.

2 THE COURT: And have your defendants filed financial  
3 affidavits?

4 MR. ZALTZBERG: Yes, your Honor.

5 MR. YANNELLA: Yes, your Honor.

6 THE COURT: Okay. All right. So we're here for the  
7 arraignment on the S3 indictment. So to the defendants, you  
8 are all charged in an indictment with a single count of  
9 conspiracy to commit health care fraud and wire fraud. I'm  
10 going to ask you each whether you've seen the indictment, read  
11 it, and discussed it with your lawyer.

12 Let me start with you, Mr. Wahab. Have you seen the  
13 indictment?

14 DEFENDANT WAHAB: Yes.

15 THE COURT: Have you read it?

16 DEFENDANT WAHAB: Yes.

17 THE COURT: Have you discussed it with your attorney?

18 DEFENDANT WAHAB: Yes, your Honor.

19 THE COURT: How do you plead, guilty or not guilty?

20 DEFENDANT WAHAB: Not guilty.

21 THE COURT: All right. Mr. Washington, have you seen  
22 the indictment?

23 DEFENDANT WASHINGTON: Yes, your Honor.

24 THE COURT: Have you read it?

25 DEFENDANT WASHINGTON: I have, your Honor.

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1                   THE COURT: Have you discussed it with your attorney?

2                   DEFENDANT WASHINGTON: Yes, I have, your Honor.

3                   THE COURT: How do you plead, guilty or not guilty?

4                   DEFENDANT WASHINGTON: Not guilty.

5                   THE COURT: And Mr. Dooling, have you seen the  
6 indictment?

7                   DEFENDANT DOOLING: Yes, your Honor.

8                   THE COURT: Have you read it?

9                   DEFENDANT DOOLING: Yes, your Honor.

10                  THE COURT: Have you discussed it with your lawyer?

11                  DEFENDANT DOOLING: Yes.

12                  THE COURT: And how do you plead, guilty or not  
13 guilty?

14                  DEFENDANT DOOLING: Not guilty.

15                  THE COURT: Okay. Ms. Greenberg, could you kind of  
16 lay out for these defendants what this case looks like and what  
17 the discovery is.

18                  MS. GREENBERG: Yes, your Honor.

19                  THE COURT: And you can take your mask off when you're  
20 speaking.

21                  MS. GREENBERG: Yes, your Honor.

22                  This is a case where, at the heart of it is the NBA  
23 players health and benefit plan, which is a health care plan  
24 providing benefits to eligible active and retired players of  
25 the NBA. And as alleged in the superseding indictment, from in

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1 or about 2017 through in or about 2021, the charged defendants  
2 engaged in a widespread scheme to defraud the plan by  
3 submitting fraudulent invoices and claims for reimbursement of  
4 medical and dental services that they did not receive. Over  
5 the course of the scheme, we allege that the defendants  
6 submitted or caused to be submitted to the plan false claims of  
7 at least approximately \$5 million from which the defendants  
8 received at least approximately \$2.5 million in fraudulent  
9 claims.

10 As to the particular defendants that are here at this  
11 proceeding, Mr. Dooling, along with Terrence Williams and Alan  
12 Anderson, were involved in recruiting other plan participants  
13 to participate in the scheme. Mr. Wahab, who is a licensed  
14 dentist, provided Terrence Williams and Keyon Dooling with fake  
15 invoices for dental services that were not actually rendered in  
16 exchange for proceeds from the plan. Mr. Washington, who is a  
17 licensed physician, provided Mr. Williams with fake invoices  
18 for wellness services that were not actually provided in  
19 exchange for proceeds from the plan.

20 Those are the general allegations. There is more  
21 detail, obviously, in the superseding indictment as to those.

22 With respect to discovery, I would note at the outset  
23 that there was a protective order in this case and that all  
24 discovery that has been produced and will be produced to the  
25 newly added defendants are being produced pursuant to the terms

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1 of that protective order.

2 THE COURT: I'm sorry to interrupt. Have these  
3 defendants seen the protective order and signed on yet?

4 MS. GREENBERG: They have not signed on, but I  
5 believe -- I don't believe so, but I know it is publicly filed  
6 on ECF. We can confer with each of the defense attorneys as  
7 well as to whether or not they will sign on.

8 THE COURT: Okay.

9 MS. GREENBERG: We have been in touch with the  
10 discovery coordinator, who is preparing to produce all  
11 materials in this case that's been produced to all other  
12 defendants, and that generally consists largely of subpoena  
13 returns relating to these defendants and the providers. That  
14 can range from travel records, bank records, credit card  
15 financial records, certain witness statements. There were also  
16 various disclosure letters that were made relating to certain  
17 witness statements. Those have been produced to the defendants  
18 in the original indictment. Those will also be produced to the  
19 newly added defendants. Legal process-search warrants, 2703(d)  
20 orders, 2703(d) terms. That's largely what the discovery looks  
21 like that has already been produced to the original defendants.  
22 We anticipate this week or next week making some additional  
23 individual productions in this case, and certainly we are  
24 making all reasonable efforts to complete our productions in  
25 advance of June 7th, when we originally had the conference

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1 scheduled.

2 Some outstanding items that we are working to produce  
3 with respect to these defendants are search warrant returns  
4 containing prospective cellphone location information, subpoena  
5 returns that relate specifically to these three defendants,  
6 subpoena returns from both the plan and the third-party  
7 administrators. Much of that has already been produced. We  
8 are reviewing that information again just to make sure, with  
9 respect to these defendants, that we are capturing everything  
10 and producing that material. Search warrant returns relating  
11 to these newly added defendants' email accounts, again, that's  
12 an ongoing review that we do anticipate being able to make in  
13 advance of June 7th. Each defendant will get in its entirety  
14 their own email accounts, but the responsiveness for each of  
15 those accounts we do anticipate being done in advance of  
16 June 7th. Search warrant returns for particular physical  
17 devices. And here, I will be a little more specific. With  
18 respect to Dr. Wahab, the government obtained a search warrant  
19 on seven electronic devices that were used or controlled by  
20 Mr. Wahab or his businesses. The review of those seven devices  
21 is in progress, and we anticipate, again, being able to produce  
22 those in advance of June 7th. Also, a cellphone was obtained  
23 via search warrant from Mr. Dooling, and that is a little more  
24 difficult. That cellphone has not been extracted. It has been  
25 difficult to assess whether or not it will be able to be

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1 extracted and whether any responsiveness materials from that  
2 cellphone will be able to be produced. Again, we're making all  
3 reasonable efforts here, but it's just a matter of whether or  
4 not the cellphone is going to be able to be opened as to that.

5 The only additional information that is new from the  
6 government's May 2nd letter to the Court is that the FBI was  
7 recently able to get into one of Mr. Williams's phones so that  
8 that review is now just beginning, so that may take some time.  
9 Again, we are working very hard to make all efforts to get  
10 productions in advance of June 7th. I just note that is brand  
11 new, so we're doing our best, and we'll be able to update the  
12 Court -- I believe our next update is June 3rd.

13 THE COURT: Thank you. Okay.

14 MS. GREENBERG: Thank you.

15 THE COURT: So all of that is to say, gentlemen,  
16 there's a lot of discovery in this case. Ms. Greenberg said  
17 this, but let me repeat: Emma Greenwood has been appointed as  
18 the coordinating discovery attorney. For the CJA attorneys,  
19 you obviously will have access to that. Mr. Kessel, for  
20 Dr. Wahab, if you want access to it, Ms. Greenwood will make  
21 arrangements. You just have to pay for your portion of the  
22 cost of her work. For what it's worth, she's a wonderful  
23 discovery coordinator and I think she is worth every penny that  
24 she costs.

25 MR. KESSEL: Thank you.

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1                   THE COURT: And so y'all are just coming in, and I  
2 realize that there's a lot of information, but my plan is to  
3 get at least preliminary trial groupings. There are obviously  
4 way too many defendants in this case to try everybody together.  
5 But my plan is, whoever ends up going to trial, to try people  
6 in groups of three to five. Sort of about that is about the  
7 most defendants we can effectively manage in a single trial.  
8 So I've directed all of the defendants and the government to  
9 meet and confer to see if everybody can reach an agreement on  
10 what are logical trial groupings, given the facts of the case.  
11 If you can agree, then I'd like a joint letter on June the 3rd  
12 laying out what the trial groupings are. If the parties cannot  
13 reach an agreement on what the groupings are, the government  
14 will submit their proposal on June the 3rd, and then I'm  
15 requesting a joint defense counterproposal on June the 10th.

16                   Our next conference will be on July the 7th at 11:00.  
17 To the defendants who are here personally, normally I require  
18 defendants in a criminal case to appear in person. The Los  
19 Angeles defendant got an excuse because his lawyer could not  
20 come, so it just seemed crazy to make him fly all the way for a  
21 10-minute arraignment. Normally, though, I'd like all  
22 defendants here. For the conference on the 7th, it is not  
23 necessary. You do not need to come. I'm going to do it by  
24 phone. You're welcome to call in to the conference if you want  
25 to. It is purely a scheduling conference. What I need to do

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1 at that point is set a schedule for any pretrial motions as  
2 well as to set trial schedules. So if you'd like to call in  
3 and listen in, you're welcome to. If you don't want to, you  
4 don't have to. If you're not going to call in and if you're  
5 not going to show up in person, I need a waiver of your  
6 in-person appearance, with consent to your attorney appearing  
7 on your behalf, by July the 1st.

8 But my goal is to have the first trial in this case in  
9 December. The government has previously, in connection with  
10 the other defendants, estimated that trials, if they're limited  
11 to three to five defendants, should be about a week and a half  
12 to two weeks. Is that correct, Ms. Greenberg? Am I  
13 remembering that right?

14 MS. GREENBERG: Yes, your Honor.

15 THE COURT: So that's my plan is to start in December  
16 and then try to do one a month until we get everybody tried who  
17 wants to proceed to trial.

18 So I've already excluded time until July the 7th, so  
19 that exclusion stays in place.

20 Anything further from the government, Ms. Greenberg?

21 MS. GREENBERG: No, your Honor.

22 THE COURT: Anything further on behalf of Mr. Wahab,  
23 Mr. Kessel?

24 MR. KESSEL: Your Honor, no. Understood everything  
25 you've said. Thank you.

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THE COURT: Terrific.

Anything further on behalf of Mr. Washington,  
Mr. Zaltzberg?

MR. ZALTBURG: No. Thank you very much, your Honor.

THE COURT: How about you, Mr. Yannella, on behalf of Mr. Dooling?

MR. YANNELLA: No, your Honor.

THE COURT: Thanks, everybody. And just to be clear, I do not have COVID. I sound terrible, but I don't have COVID. I've been tested numerous, numerous times, so I've got a bad throat, but it's not COVID.

ALL COUNSEL: Thank you, your Honor. Feel better.

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